

CITY PLANNING COMMISSION  
Austin, Texas

Regular Meeting -- August 28, 1962

The meeting of the Commission was called to order at 7:30 p.m. in the Council Room, Municipal Building.

Present

D. B. Barrow, Chairman  
Howard E. Brunson  
Edgar E. Jackson  
S. P. Kinser  
W. Sale Lewis  
Emil Spillmann  
W. A. Wroe

Absent

Pericles Chriss  
Barton D. Riley

Also Present

Hoyle M. Osborne, Director of Planning  
Alfred D. Davey, Assistant Director of Planning  
E. N. Stevens, Chief, Plan Administration  
Dudley Fowler, Assistant City Attorney  
Paul Jones, Assistant City Attorney

MINUTES

Minutes of the following meetings were approved as submitted:

July 12, 1962  
July 31, 1962

The following zoning change and Special Permit requests were considered by the Zoning Committee at a meeting August 21, 1962:

ZONING

C14-62-104 Harry M. Gilstrap: O to C-1  
905 East 41st Street

STAFF REPORT: A similar request on this property was recommended against and withdrawn by the applicant in April of this year. The tract is across the street from the Sears Shopping Center and some property at the east end of 41st Street at Interregional Highway has been changed to "GR" General Retail, but the Planning Commission previously recommended that the property on the south side of 41st Street be zoned "O" Office as a buffer zone between the "GR" on the Sears tract and the residential area south of 41st Street. The present application is for the purpose of establishing a drive-in grocery with beer for off-premise consumption. The Department still feels that the residential area to the south should be protected by a buffer zone and that this request is contrary to the policy of the Commission as this is not in a well

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C14-62-104 Harry M. Gilstrap--contd.

developed commercial area. The size of the property would more or less dictate the size of parking area and access from 41st Street and we feel that "O" Office or some use compatible with "O" Office should be along 41st Street.

Mr. Gilstrap appeared at the hearing and said he feels this will be a commercial area and this lot cannot be used residentially since there is a filling station on the adjoining property.

The Zoning Committee reported the following action: A majority of the Committee felt that conditions in the area have not changed to justify "C-1" zoning here now and that if this change is granted the Commission could not legally refuse a similar change on adjoining property. It was also felt that zoning should follow a pattern and for that reason it had previously been recommended that "O" Office be established as a buffer zone to protect the residential area and this "C-1" zoning would be an intrusion into that residential area. Attention was called to the restrictions on the Sears tract regarding setback of buildings and use of signs and lighting which were imposed by the City of Austin when the property was sold to the Sears Roebuck Company. The Committee noted that similar restrictions could not be placed on the tract in question to safeguard the residential area. Attention was also called to the fact that if "C" Commercial is started in this area other more intensive uses would be permitted in that zoning which would be detrimental to the surrounding residential property and to other business uses on this street. In view of the above discussion, the Committee had recommended that the request be denied.

At the Commission meeting, the staff reported receipt of a letter from Mr. Gilstrap requesting that this application be withdrawn. The Commission therefore unanimously

VOTED: To ACCEPT the withdrawal of this request.

C14-62-107 C. L. Sylvester and Martin W. Nauert: A & 1 and C & 2 to C & 2  
Clay Avenue and Houston Street

STAFF REPORT: This request results from strip zoning along Burnet Road where the front part of lots are zoned "C" Commercial and the back portion is "A" Residence. The applicant proposes to extend the "C" zoning to include the back of his property with no specific use in mind. We feel that the "C" zoning should be extended but that the entire portion of the three lots should be zoned First Height and Area since Second Height and Area permits waiver of setback requirements and the front of these lots front on Clay Avenue instead of Burnet Road, and Clay Avenue north of Houston Street is residentially zoned and developed.

Mr. Nauert was present and stated that Clay Avenue is commercial now as far as traffic is concerned and the applicants feel that all of their property should be zoned "C" Commercial so that they can dispose of it more easily.

C14-62-107 C. L. Sylvester and Martin W. Nauert--contd.

Mr. Sylvester was also present but made no statement. Mr. Bryant Stevens (1501 Larkwood) joined the applicants in their request. Reply to notice was received from Nelson Puett and Associates approving the request.

The Commission felt that all of this property should be commercial but that it should be First Height and Area as the lots do not front on Burnet Road but on Clay Avenue which has a right-of-way of 40 feet and on Houston Street which is 50 feet wide. It was noted that a minimum width of 60 feet is usually necessary to take additional traffic generated by commercial uses. The Commission therefore unanimously

VOTED: To recommend that the request of C. L. Sylvester and Martin W. Nauert for a change of zoning from "A" Residence and First Height and Area and "C" Commercial and Second Height and Area to "C" Commercial and Second Height and Area for property located at 5403-5421 Clay Avenue and 1707-1711 Houston Street be DENIED; but that all of the property be classified as "C" Commercial and First Height and Area.

C14-62-108 William J. Joseph: GR to C-1  
1810 Briarcliff Avenue

STAFF REPORT: This is for one use in the entire triangle, with the 7-Eleven store located on the tract requested for change. There is a large residential area to the north, an elementary school to the west, an undeveloped "GR" General Retail zone and the Westminster Presbyterian Church to the south, a shopping center to the southwest, and a proposed apartment area east of the Church property. There is a question of whether or not this conforms to the policy of the Commission and the Department has no recommendation on this change.

Mr. Arthur Pihlgren (real estate agent for 7-Eleven) appeared at the hearing and stated: This 7-Eleven store has been operating at this location for over three years. This property has six commercial uses and there is additional space in the triangle for about 2000 square feet of commercial development. There is a Conoco service station immediately to the east. There are about 12 commercial uses in the shopping center to the southwest now in operation with space for expansion. These tracts were originally set aside for General Retail zoning at the time the subdivision was laid out. 7-Eleven customers have requested many times that beer be made available here.

Mr. Fred B. Werkenthin (agent for the applicant) was also present and stated the following: This is in a planned commercial area. A similar request was previously turned down because there was not enough commercial development in the area but there have been a number of establishments added since that time.

Written approval was submitted by Longhorn Sash and Door Company (2200 East 6th Street) stating that there are other retail stores in the area and no objection could be seen to more businesses here to make it more convenient for property owners.

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C14-62-108 William J. Joseph--contd.

The Director called the Commission's attention to the basic reasons for recommending against the previous request that the school is very close and the extensive neighborhood opposition. The Commission noted that at the time the previous request was denied the area was not developed commercially but it is now and it was felt that this request does conform to the policy of the Commission in that this use is in a well developed commercial area. Therefore, it was unanimously

VOTED: To recommend that the request of William J. Joseph for a change of zoning from "GR" General Retail to "C-1" Commercial for property located at 1810 Briarcliff Avenue be GRANTED.

C14-62-109 Mrs. Louis G. Herrera: A to C  
2800-2802 Oak Springs Drive

STAFF REPORT: This request is for the stated purpose of operating a welding shop. At the present time there is an iron works business and two single-family dwellings on the two lots. We feel that this constitutes spot zoning, being separated by residential zoning from an existing "C" District on the west and another "C" District on the east which was created in 1960. Oak Springs Elementary School is located across the street on the south. A preliminary study of the property left over from the school site proposes residential development. We feel that this spot zoning could affect the school tract and other surrounding residential development, although this property is separated from the area to the north by the nature of the terrain. We recommend against this change.

No one appeared to represent the applicant.

The Commission concluded that the request should be denied because it is spot zoning and would cause further blighting of the area near the school. It was noted that a comprehensive change to a more restricted district might be considered. Therefore, it was unanimously

VOTED: To recommend that the request of Mrs. Louis G. Herrera for a change of zoning from "A" Residence to "C" Commercial for property located at 2800-2802 Oak Springs Drive be DENIED.

C14-62-110 H. Warren Smith: A to LR  
3502 Mills Avenue

STAFF REPORT: This application is for an interior lot on Mills Avenue which adjoins a tract owned by the applicant which was recently zoned "C" Commercial. At that time a pattern for the area was presented by the Department and a recommendation that it be kept for apartment development was made. We feel there have been no changes and that this should be denied as spot zoning.

C14-62-110 H. Warren Smith--contd.

Mr. Smith was present and presented the following information: A building 10 feet wide and 90 feet long is the size permitted on the corner lot because of the setbacks required. This additional lot would allow more buildable area. There are very few tracts large enough for apartment development in this area. Anything I do will be a great improvement in the area.

The Commission recalled that the Department, after a study, had recommended that this area be zoned for apartment development, and that the request would be spot zoning. The Commission reaffirmed its original feeling that this area should be zoned in a comprehensive change for apartment use and therefore unanimously

VOTED: To recommend that the request of H. Warren Smith for a zoning plan change from "A" Residence to "LR" Local Retail for property located at 3502 Mills Avenue be DENIED.

C14-62-111 Texas Real Estate Association: O to C  
East 12th and Neches Sts.

STAFF REPORT: This change is for the purpose of constructing a building on the property line which is not permitted under the present zoning. We feel that the pattern for zoning in this area has been established and that this request fits the pattern. Therefore, we recommend the change.

Mr. Arthur Fehr (agent) represented the applicant and explained that most of this land is in the creek. Mrs. Ann Crockett (representing the Board of Directors) stated that they are not changing their operation but this is to enhance the community by enlarging their building since they cannot build over the creek. She said this proposal will enable them to get a sufficient number of parking spaces.

Favorable replies to notice were received from Gateway Investments Company (803 West 5th Street) and Harry E. Montandon (109 West 5th Street).

It was felt by the Commission that this would be a logical extension of the existing zoning and would complete the zoning in this area which is now spot zoning. Therefore, it was unanimously

VOTED: To recommend that the request of Texas Real Estate Association for a change of zoning from "O" Office to "C" Commercial for property on the northeast corner of East 12th and Neches Streets be GRANTED.

C14-62-112 W. L. Jones and W. K. Russell: Tract 1: A to D

Rear 807-809 Shady Lane

Tract 2: A to B

807-815 Shady Lane

STAFF REPORT: This is a dual request for "D" Industrial on Tract 1 and "B" Residence on Tract 2. It is proposed to establish a repair garage on Tract 1 and to use Tract 2 for entrance to the repair garage from Shady Lane. The Industrial tract north of Tract 1 was previously considered and recommended provided access to Airport Boulevard was acquired and this was done. We feel the same conditions exist now since Shady Lane is only a 50-foot street and serves as access to Allen Junior High School and any added industrial traffic would create a hazard. We feel that to create the "B" zoning on Tract 2 would be spot zoning and therefore recommend that it be denied.

Mr. Travis Eckert (agent for W. L. Jones) appeared at the hearing and stated the following: There is "D" Industrial along Airport Boulevard and we are requesting an extension of this zoning for a repair garage for trucks. We need the "B" Residence on the west to get access to the garage instead of buying an easement to Airport Boulevard. Economy Furniture is located at 7th Street and Shady Lane and trucks leaving there already use Shady Lane. There are other industrial uses in this immediate area about  $1\frac{1}{2}$  blocks down the street. This property is completely surrounded by commercial zoning and this is an isolated "A" Residence zone. Once the people living to the south want to develop their property they will request a zoning change. Trucks avoid the busy intersection at 1st, 5th and 7th Streets and use Shady Lane.

Five nearby owners appeared opposing this change and written objections were received from three owners. Reasons given may be summarized as follows:

1. This was considered in 1959 and at that time the applicants said they did not want any more openings on Shady Lane which would result in increased commercial and industrial usage.
2. The traffic is heavy now on Shady Lane and this area is congested during school months with traffic to and from Albert Sidney Johnston High School and Allen Junior High School.
3. There is ample property on Airport Boulevard available for commercial use which would not interfere with private residences or school operations.

The Commission felt that the request should be denied since the intension is to use Shady Lane for ingress and egress and this street is not wide enough to take the increased traffic. Also, the request does not conform to the Development Plan which requires an 80-foot street for industrial use, and the "B" Residence portion would be spot zoning. Therefore, it was unanimously

VOTED: To recommend that the request of W. L. Jones and W. K. Russell for a zoning plan change from "A" Residence to "D" Industrial on Tract 1 located at the rear of 807-809 Shady Lane and from "A" Residence to "B" Residence on Tract 2 located at 807-815 Shady Lane be DENIED.

C14-62-113 Nelson Puett, Jr.: Interim A and Interim 1 to B & 1

Lexington Rd. and Stoneway Dr.

C14-62-114 Nelson Puett, Jr.: Interim A and Interim 1 to LR, C-1 & 1 (as amended)

Great Northern Blvd. and Stoneway Dr.

STAFF REPORT: Two applications are being considered concurrently. The purpose of the request for C14-62-113 is to zone for apartments and the proposal on the western part (C14-62-114) is for "C-1" for commercial facilities. This is a new area and we have been unable to send out adequate notices since some of the property has been sold and we have no record on the tax rolls of the new owners. The adjoining area on the south was recently considered and recommended for "B" Residence; the subdivision showed a commercial area and this was felt to be a buffer zone. The Department feels that if there is needed an area to serve the community, this is the proper location, with the property being on Great Northern Boulevard with development proposed to face this street. According to the subdivision it would be difficult to develop as residential. We feel that this should be for local services and an exact location be established for the "C-1" zoning.

Mr. Puett and his agents (Messrs. Isom Hale and Clifford Coffman) were present in behalf of this request and presented the following statements in support of their proposal:

1. We want to provide a neat, clean, convenient neighborhood shopping center for people who live in this area. There is a tremendously large residential area with no shopping center and it is 1-1/6 miles to the nearest store. This shopping center would help the area. Mr. Puett owns 190 lots unsold in this area. We are very much interested in the area. No one else owns any property within 300 feet of the shopping center. It has sufficient access with 4 entrances to this shopping center. There is a new bridge on Shoal Creek and Shoal Creek Boulevard will extend to the north. Other main thoroughfares are planned.
2. Other reasons are: (1) Zoning by City Government: I (Mr. Puett) believe in zoning by the subdivision plat and by deed restrictions. When it is done by the City I think the least restrictive zoning is the best zoning. The object of the first zoning was to protect the existing development. This idea of zoning new areas is something that is relatively new and something that should be taken separately. In these new areas the property owner's decision is probably the best. He gets expert advice. Zoning holds down more values than it raises. It does not increase values. New areas are restricted which protects them instead of zoning. (2) Zoning is a matter of principle. Zoning can deprive me of making a decision on what to do on my property. We will lose a little of our freedom.
3. The apartment area on the previous application was suggested by the Planning Department as a buffer. I think the commercial area will be a benefit to the area. I do not know if I will ever build apartments on the southern area as I would just as soon have residences. I am putting

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C14-62-113 Nelson Puett, Jr.--contd.

C14-62-114 Nelson Puett, Jr.--contd.

sidewalks in the entire subdivision. The vacant area to the north is my property. People crossing the bridge will use Stonewall Drive. I want a 7-Eleven store which is the purpose for "C-1" but do not know where it will be located in the commercial area.

Fourteen owners in this general area were present in opposition for the following reasons:

1. The area surrounding this property is residential. Many of the lots are restricted to maintain the value of the neighborhood. These people are not in need of any commercial facilities in the middle of the residential area for they have sufficient service along Burnet Road. This is spot zoning of commercial and apartment area in the middle of a residential area. The vacant area is proposed as residential development as we have been advised.
2. The 9 purposes of zoning as listed in the Texas law and in the Zoning Ordinance are (1) Lessen congestion in the streets. This would increase congestion in the streets and endanger the children. These are residential streets and are not designed to carry on-street parking. (2) To secure safety from fire panic or similar dangers. You would have an increase of these factors in a more congested area. (3) To promote health and general welfare. (4) to provide light and air. (5) To prevent the overcrowding of land. This proposal would overcrowd the land. (6) To avoid undue concentration of population. (7) To facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements. (8) To conserve the values of buildings. The value of residential properties would be diminished. (9) To encourage the most appropriate use of land. This would be a most inappropriate use of land. Apartments could be built where they would not intrude into the residential area.
3. We have about 600 primary children going to Gullett School and Northwest swimming pool is crowded with children. An increase of traffic would increase the danger to them.
4. In the proposed shopping center there would be an off-premise beer license issued and this would create a problem in the area.
5. The shortest way to get to this shopping area from downtown will be up Lexington and service trucks to this center would use this way. All traffic to and from the shopping center will go by way of Lexington or Great Northern.

The Zoning Committee reported the following action taken at the public hearing: The Committee recognized that this area for business development was set aside on the subdivision plan and that the applicant is requesting the zoning before



C14-62-113 Nelson Puett, Jr.--contd.

C14-62-114 Nelson Puett, Jr.--contd.

he sells the residential lots in this particular subdivision so that anyone purchasing a lot would be aware of the commercial zoning. It was felt that this is a suitable location for the commercial zoning as planned, but that the zoning should be "LR" Local Retail, which permits services for the immediate area, and that the "C-1" zoning should be restricted to the area where the proposed sale of beer is to be. It was further felt that the "B" Residence zoning would be an appropriate buffer zone for the commercial property. In view of the above factors, the Committee had recommended granting the request for "B" as requested and a change to "LR" Local Retail for the proposed commercial area except an area of "C-1" to be specified.

At the Commission meeting the staff presented a letter from the applicant amending his application to request "LR" Local Retail for all of Lot 1, Block A (north of Stoneway Drive) and for Lot 10, Block C (south of Stoneway Drive) except for the north end for a depth of approximately 100 feet which was requested to be "C-1" Commercial.

Mr. Hale stated that Mr. Puett was out of the city and unable to attend the Commission meeting but they would like to have the request considered although the City Council had refused to grant the "B" Residence for the buffer zoning. He felt that the same reasons for changing the zoning still exist and that the only change is the amendment to locate the "C-1" area. Mr. Coffman said the reason for the 100-foot depth along Great Northern for the "C-1" is because of the 25-foot setback required along Stoneway Drive. Mr. Hale said the purpose of buffer zoning is to protect something existing and this does not apply here since there are no residences immediately abutting this property and Mr. Puett would be responsible for the sale of any adjoining residential lots after the property is zoned.

The Director called attention to the plan for the extension of Missouri-Pacific Boulevard to follow the west side of the railroad in this location and then branch off to follow Balcones Drive, and to a proposal to extend Hart Lane to the east as a thoroughfare to the north of this subdivision. He said there will probably be commercial facilities at Hart Lane extension and Missouri-Pacific Boulevard and to the south at Bull Creek Road and Balcones Drive. He called attention to the information he had given Mr. Puett regarding the possible commercial development at Hart Lane rather than where he proposes it and his suggestion that residential development might be more desirable at the subject location. Mr. Osborne noted that the City Council had considered the appropriate use of the land and that this was the basis of their decision to deny the request for the "B" Residence buffer zone. Mr. Hale noted that a turn-around will be needed at Hart Lane intersection on Mr. Puett's property where there will be an intersection of two major thoroughfares. The Director stated that there was some question as to the future status of Great Northern Boulevard, as to whether it would ever become a major thoroughfare or be merely a collector street. The status of this road and the design and location of the possible intersection have considerable bearing on the appropriate location of a commercial area in the vicinity.

C14-62-113 Nelson Puett, Jr.--contd.C14-62-114 Nelson Puett, Jr.--contd.

The Commission concurred with the recommendation of the Zoning Committee and felt that the request as amended should be granted. It was therefore

VOTED: To recommend that the request (C14-62-113) of Nelson Puett, Jr., for a change of zoning from Interim "A" Residence and Interim First Height and Area to "B" Residence and First Height and Area for property located at 6802-6808 Lexington Road and 3001-3003 and 3002 Stoneway Drive be GRANTED.

PRESENT BUT NOT VOTING: Mr. Barrow

It was further

VOTED: To recommend that the amended request (C14-62-114) of Nelson Puett, Jr., for a change of zoning from Interim "A" Residence and Interim First Height and Area to the following classifications be GRANTED:

- Tract 1: 6901-6909 Great Northern Boulevard and 3104-3110 Stoneway Drive - "LR" Local Retail and First Height and Area
- Tract 2: 6827-6833 Great Northern Boulevard and 3105-3113 Stoneway Drive - "C-1" Commercial and First Height and Area
- Tract 3: 6805-6825 Great Northern Boulevard - "LR" Local Retail and First Height and Area.

PRESENT BUT NOT VOTING: Mr. Barrow

C14-62-115 P. E. Worsham: A to C

Clayton La., Middle Fiskville Rd. and Tirado St.

STAFF REPORT: This is a tract of about  $5\frac{1}{2}$  acres. The surrounding property is fairly well zoned commercial and this is a spot "A" Residence area. We feel that the pattern has been established and that the property should be zoned in keeping with the surrounding property. We also feel that the "A" Residence lots along Tirado and Brooks Streets should be included to fill out the pattern of commercial zoning.

Mr. Robert C. Sneed (attorney) represented the applicant but added no statements to those presented by the staff.

The Commission agreed with the staff recommendation in that this subject property and the additional area along Tirado and Brooks Streets form a spot "A" Residence zone and should be made "C" Commercial in harmony with surrounding zoning. It was therefore unanimously

VOTED: To recommend that the request of P. E. Worsham for a zoning change from "A" Residence to "C" Commercial for property at Clayton Lane, Middle Fiskville Road and Tirado Street be GRANTED; and to include the property located at 813-827 Tirado Street and 6008-6018 Brooks Street.

Cl4-62-116 Mariana W. Kelly: A to BB  
Giles St., E. 38th St., and Cherrywood Rd.

STAFF REPORT: This is a proposed change for one lot bounded by three streets and surrounded by single-family development with a church to the northwest. A five-unit apartment house is proposed for the property in addition to the existing single-family dwelling. Under the proposed zoning eight units would be permitted on the entire tract. We feel that the area is maintained as a residential area and this would be spot zoning and we therefore recommend against the change.

Mrs. Kelly was present and stated the following in support of her request:

1. This is a peculiarly-shaped lot on which I propose to put a five-unit, two-bedroom-per-unit apartment house. The building was designed by an architect. I plan to have off-street parking. The residence which I occupy is on the lower portion of the tract and there is sufficient remaining area to support a five-unit apartment house. This lot is on a slope and it would be built on two levels.
2. When we bought this in 1949 this was a residential area with most of the property being owner-occupied but the character has changed to a tenant neighborhood and now lends itself to apartment development. Tenants of the apartment would have easy access to the downtown area, the Interregional Highway, and to Bergstrom Field. We are near Maplewood School and within walking distance of Delwood shopping center. I am interested in improving this neighborhood and this location is ideally suited for persons who want to live here temporarily. Five families should not add too much to the traffic.

One reply to notice was received favoring the request.

Five nearby owners appeared in opposition and written objections were received from six owners. Reasons given may be summarized as follows:

1. We oppose this from a legal standpoint. None of the purposes of zoning could presently be served by this proposed change. This is a portion of Giles Place which was completely developed during the construction period for single-family dwellings. This particular lot and one at the opposite end of the street are larger than the others but were sold for single-family dwellings as it was the opinion of the developer that there was not room on the lots for more. These lots were restricted to single-family dwellings. The promoter pointed out that they were not leaving out these two larger tracts as they were not suitable for other than single-family use. There has been no change in the nature of the neighborhood since 1949 and there have been no new houses built on the adjacent streets since that time. A number of owners have moved and are renting their property but only for single-family use and that has not changed the character of the area. The apartment area near Maplewood School was laid out by the developer in connection with this area.

C14-62-116 Mariana W. Kelly--contd.

2. Traffic has increased on Cherrywood Road and 38 $\frac{1}{2}$  Street which were made into through streets and any added congestion would be dangerous for children.
3. There is no off-street parking area and no sidewalks. People must walk in streets.

In view of the fact that this would be spot zoning for a lot far removed from any other "B" Residence zoning and in a fully developed and well maintained residential area, the Commission felt that the request should be denied. It was therefore unanimously

VOTED: To recommend that the request of Mariana W. Kelly for a zoning change from "A" Residence to "BB" Residence for property at Giles Street, East 38th Street and Cherrywood Road be DENIED.

C14-62-117 Roger M. Rich: LR to C  
Rebel Rd. and E. Oltorf St.

STAFF REPORT: This request is for the stated purpose of permitting future commercial development with no specific proposal. This property has been zoned "LR" Local Retail since 1956. There is a shopping center at South Congress and Oltorf, and an intervening "LR" zone on which the Bank of Austin is located. The property immediately across Oltorf is zoned and developed residentially. We feel that if the requested zoning is granted it would permit very intensive commercial uses and if apartments are located there 34 units would be permitted. We feel that the request should be denied.

No one appeared to represent the applicant.

The Commission felt that the present zoning is the proper classification at this time as a buffer zone between the commercial area on the west and the residential area, as was felt when the "LR" classification was given, and that the "C" Commercial zoning would not fit into the pattern, would be spot zoning of a lower classification, and would be an intrusion into the residential area. It was therefore unanimously

VOTED: To recommend that the request of Roger M. Rich for a zoning change from "LR" Local Retail to "C" Commercial for property located on the northwest corner of Rebel Road and Oltorf Street be DENIED.

C14-62-118 Irving Ravel: B to C-1  
1424-1506 West 38th St.

STAFF REPORT: This request is for a change to "C-1" Commercial for the stated purpose of selling beer and wine for off-premise consumption in a grocery store. The property consists of approximately 2.44 acres and fronts on the north side of West 38th Street west of the new bridge location across

C14-62-118 Irving Ravel--contd.

Shoal Creek. The Department would recommend that this area down to 35th Street would be suitable developed as apartments. Part of 38th Street will be above the property, restricting access to the western portion. We feel that this would be hazardous. "C-1" would be spot zoning as it does not tie into an existing "C-1" zone. We recommend that the request be denied.

Mr. Robert C. Sneed (attorney) represented the applicant who was also present and stated the following:

1. The property is owned at this time by Mr. Irving Ravel. He has made a contract of sale to Mr. Ed Horne who has a contract with Handy Andy stores. It is proposed that the entire tract be zoned "C-1" which is necessary because of the time element. We are not in a position at this time to designate the area necessary for "C-1" but will be in a position by next Tuesday Planning Commission meeting to amend the application to request a majority of the property for "GR" General Retail and only a part for "C-1". 38th Street will split after it crosses the bridge with one fork extending to Bull Creek Road and one to 35th Street. It is necessary that a portion of this property be acquired by the City to eliminate a jog. After the City decides what will be needed we will be glad to furnish a letter agreeing that this right-of-way may be acquired in the same manner and on the same basis as if this zoning change were not granted.
2. We will have property that will front on 38th Street. The flow of traffic has changed to come from Bull Creek Road into 38th Street and on into the other arteries into the downtown area. Shoal Creek Boulevard will be extended to the north and will form a buffer between this property and Temple Beth Israel church property. Shoal Creek will also offer a buffer. This area will be separated out into what will be a commercial area. In light of the description of spot zoning as set out in American Jurisprudence, it is my interpretation that this would not be a spot zone. We do not see that this is not in keeping with the zoning standards. There will be no damage to the Church because of gradation, Shoal Creek and Shoal Creek Boulevard. We believe that this is sound zoning and in keeping with authority vested in the City Council. A church may exist in any zoning. We must look at the zoning instead of the uses.

Mr. J. A. McGirk (1604 West 38th Street) notified the staff by telephone that he favored the request.

Five nearby owners appeared in opposition and written objections were received from four owners. Reasons given were:

1. Rezoning of this area would devalue the adjacent property and since there are adequate commercial and shopping facilities within a block, there is no need to rezone. There is also additional property already zoned commercially that is ready to be developed but has not been because there has not been a need.

C14-62-118 Irving Ravel--contd.

2. The change would definitely be detrimental to the congregation's property. The acreage owned by the congregation was deliberately selected for its "privacy" and surrounding locale. If a change were considered to permit the sale of beer and wine for on-premise consumption secondary to the sale of food and also for the sale of beer and wine to go, this alteration would seriously affect the congregation's situation. If beer and wine are permissible on property adjacent to a religious institution, it creates certain problems that are not prevalent presently in a "B" zoned area.
3. Would be spot zoning as all of the surrounding area is either "A" or "B". Property is not well located for a commercial tract.
4. You have almost  $2\frac{1}{2}$  acres of land which is suited to apartment development from the standpoint of access, beauty and utilities, and would be of tremendous importance to the City. At the present time there are no access roads in the area. Other uses would be permitted which could be more objectionable and would destroy the area and the plan which the City has proposed.
5. The Director of Public Works said they were interested in having the bridge and 38th Street extension. This plan of tying into 35th Street and Bull Creek Road on the west side of Shoal Creek would create a tremendous amount of traffic on 38th Street coming into downtown. Any commercial use here would be quite a hindrance. Before this is to be granted this whole area should be studied.

The Zoning Committee reported that this was referred to the Commission without a recommendation as it was felt that further information should be available on the traffic pattern.

At the Commission meeting, Mr. Sneed requested that this case be deferred and referred back to the Zoning Committee for another hearing since they have not fully developed the case and think their plans can be improved, and because of the question of a buffer zone between this property and Temple Beth Israel property and working out of right-of-way to be acquired by the City.

Mr. Wallace McLean and a number of other persons were present in behalf of Temple Beth Israel. Mr. McLean said they had no objection to the applicant's desire to complete plans and to hearing what will be presented.

As requested by Mr. Sneed, and in view of the status of right-of-way acquisition by the City, the Commission unanimously

VOTED: To DEFER action on this request and refer it back to the Zoning Committee for another hearing at a time agreed upon by the applicant and the Planning Department.

C14-62-119 Oliver B. Street: A to B  
Webberville Rd. and Heflin La.

STAFF REPORT: This is an application for two lots containing about 17,350 square feet. The proposal is to have a rest home here. The number of patients would be unlimited under the proposed zoning. Any apartments would be limited to 8 regular units. We feel that although there is "B" Residence across the street this is a spot zone as there is another subdivision to the west. This area is being upgraded and we feel that this request should be denied.

Mr. Street was present and stated the purpose of the application as follows: We propose a rest home which will not be changing the use of the property but will be putting a few more aged people there. We do not feel this will increase the traffic, create any hazards or establish any detrimental uses. Mrs. Fletcher now operates a rest home on 7th Street and she proposes to move her operation here.

Upon review of the development and character of the area, it was concluded that this request should be denied as this property is in a flood area and is not suitable for a rest home. It was further felt that, although "B" Residence zoning exists across Webberville Road, this street serves as a buffer and that to extend the "B" Residence across the street would be an intrusion into a well developed and well maintained residential area. Therefore, it was unanimously

VOTED: To recommend that the request of Oliver B. Street for a zoning change from "A" Residence to "B" Residence for property located on the southwest corner of Webberville Road and Heflin Lane be DENIED.

SPECIAL PERMIT

CP14-62-4 Jay B. Wilkins, Jr.: Auto repair garage and sale of new motor boats  
Guadalupe and Kenniston Streets

STAFF REPORT: This property was zoned "LR" Local Retail in 1961. It abuts a "C" Commercial District to the south. The area across Kenniston Drive is "A" Residence and developed with a duplex. It was the thinking of the Planning Commission when this was zoned to step down the zoning between the residential and commercial zones, while it was zoned with the knowledge that a special permit could be requested. Under this provision the applicant has made application to develop the property as follows:

This site is to be developed with a 30'x60' commercial building for auto repair and boat sales, with future plans for a 30'x100' addition or extension. Driveway entrances will be provided from Guadalupe Street and from Kenniston Drive. The plan indicates 10 proposed off-street parking spaces with a parking ratio of one space for each 180 square feet of gross floor area in the building. Parking spaces and on-site driveways are to be asphalt. The proposed building is to be located 25 feet from

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CP14-62-4 Jay B. Wilkins, Jr.--contd.

Guadalupe Street and 40 feet from Kenniston Drive. Storage of boats and automobiles will be inside the proposed building with no outside storage. Future extension of building will require additional off-street parking spaces.

Following are comments by various departments:

- |                     |   |
|---------------------|---|
| Office Engineer     | - Driveways O.K. as shown. Require request in writing addressed to the Director of Public Works for commercial driveways plus sketch of proposed driveways.   |
| Health              | - Approved: Sanitary sewer line available.  |
| Storm Sewer         | - Drainage O.K. Will need standard grease trap and 8-inch drain to storm sewer in Guadalupe Street  |
| Traffic             | - O.K. except that driveway on Guadalupe Street would be better spaced with reference to adjacent parking spaces if located as shown in red. Same comment on Kenniston drive.   |
| Planning Department | - Driveways should be changed to conform to proposed parking layout. Space between the building and the 9-foot parking on Kenniston Drive should be 24 feet for east in parking. The future building extension does not leave adequate usable space for parking facilities for the building area indicated. Kenniston Drive is a residential street not designed to serve commercial traffic. |

The staff recommends against the permit as it would have an adverse effect on the residences across the street with noises and general operation of the garage.

Mr. Wilkins appeared at the hearing and presented the following information:

1. The repair garage is proposed as an all-masonry building, being brick with plate glass on the Guadalupe Street side and overhead doors on Kenniston Drive. I would be glad to shift the parking and driveways as necessary to meet departmental requirements. We have voluntarily placed a restriction that there will be no body work done here. We will have a 16'x30' display area and no boats, vans or trailers would be displayed there and at no time would there be any on the outside. The tenant says there will be no noise more than that of a vacuum cleaner in a home.
2. Our efforts to get a tenant for "LR" uses have been unsuccessful. This is the only lot in the commercial area which has not developed. Without the special permit the property will continue to remain vacant. When we requested "C" Commercial zoning there were many people who signed a petition agreeing to this change.

Mr. Jesse Mitchell (4512 Depew) was present in opposition and stated the following: A garage as I know it could be objectionable. I erected a brick



CP14-62-4 Jay B. Wilkins, Jr.--contd.

building on the front of my lot and plan a brick apartment on the remainder of the lot. Mr. Neely has a home at the end of my lot. Several others who have homes in the neighborhood oppose this.

Mr. Eric Neely (504 Kenniston Drive) also appeared in opposition but offered no statements.

The Zoning Committee reported that it had felt that this request should be granted in accordance with his stated proposal and provided departmental requirements are met, since the property on the west and south is zoned "C" Commercial and the "LR" zoning on this tract was granted with the thought that a special permit could be granted.

At the Commission meeting, the staff reported that the applicant has modified his site plan to meet the conditions of the various City departments and had also removed from the plan the future building because of difficulty in working out the parking area and other related features.

The Director recalled that the staff recommended the "LR" zoning because of the surrounding uses. He questioned whether or not the Commission is considering this request with relation to the appropriateness of the proposed use to take care of a unique situation or to create in effect a change of zoning. He called attention to the fact that all but one of the uses in the "C" Commercial on the south are Local Retail uses and now this is a request for a commercial use in an "LR" District. He did not consider this a unique situation but felt that "LR" uses would be more appropriate.

The Chairman expressed his feeling that the special permit provisions were for the purpose of taking care of special cases. Some members took into consideration the present Local Retail uses in the "C" Commercial District and felt that granting this special permit would permit a more intensive use than existing in the "C" zone. A majority, however, felt that, since there is "C" Commercial on the south and west and "LR" Local Retail to the northwest, and there is only one corner zoned residential, this proposed use with the restrictions to be imposed by the applicant would serve as a buffer between the commercial and residential. It was therefore

VOTED: To APPROVE the site plan as revised and to authorize the Chairman to sign the necessary resolution issuing the Special Permit subject to the following conditions:

1. All work in the operation of the auto repair garage being conducted inside the building, with no open storage of vans, trailers, or trucks.
2. No body work or painting to be done on the premises.

CP14-62-4 Jay B. Wilkins, Jr.--contd.

3. Sale and installation of auto seat covering to be done inside the building.
4. Installation of curbing along the east tier of parking spaces to confine automobile traffic to the approved entrances and exits and to avoid use of undeveloped portion of property until the plan has been revised to provide for same.
5. Sale of new boats by franchise dealer only and no outside storage of boats, motors and accessories.

AYE: Messrs. Jackson, Kinser, Lewis and Spillmann  
 NAY: Messrs. Barrow, Brunson and Wroe  
 ABSENT: Messrs. Chriss and Riley

R146 SUBDIVISION COMMITTEE

The Committee chairman submitted the minutes of the Subdivision Committee meeting of August 20, 1962. The staff reported that no appeals had been filed for review of the Committee's action but that 4 cases had been referred to the Commission without action on:

C8-62-30 Highland Hills Sec. 6, Phase 2-B & Sec. 7, Phase 1  
C8-62-56 Tempo North  
C8-62-57 Northtown West Sec. 3, Phase 3  
C8-62-58 Wilbarger Place Sec. 2

The Commission therefore

VOTED: To accept the following report and to spread the action of the Subdivision Committee of August 20, 1962, on the minutes of this meeting.

PRELIMINARY PLANS

C8-61-28 Bouldin Estates Sec. 1  
 South 3rd St. and Cardinal La.

The staff reported that the engineers have requested a second six-month extension of preliminary approval for this subdivision. Mr. Isom Hale (engineer) said they had not completed preliminary work to present a final plat and that there have been no changes in the neighborhood to affect the subdivision. The Committee therefore

VOTED: To GRANT a second six-month extension of preliminary approval for the plan of BOULDIN ESTATES SEC. 1

C8-62-30 Highland Hills Sec. 6, Phase 2-B & Sec. 7, Phase 1  
Highland View and Hillbrook

The staff reported that the engineers have asked for a review of this plan and a variance from the Subdivision Ordinance to permit a 45-foot radius for Hillbrook Circle instead of the required 50 feet. Mr. Thomas Watts (Marvin Turner Engineers) stated that there apparently was a misunderstanding since it was their opinion that this had been discussed along with the intersection. He said it is difficult to have a 100-foot width and provide the size lots they propose and there is considerable rock on the high side which would cause additional expense and also some possible fill on the low side. Mr. Tom Bradfield (subdivider) confirmed this information and said they have already done the excavation and to go back now and widen the cul-de-sac would necessitate excavation of solid rock for a considerable distance. They explained that they now propose to have four houses using the cul-de-sac instead of the five originally shown, but they felt the 45-foot radius would be sufficient since Hillbrook Circle is less than 400 feet in length.

Mr. Stevens reported that the Fire Department has expressed opposition because of the difficulty in turning their large vehicles in case of fire. Mr. Barrow expressed a desire to have some advice from the Legal Department regarding variances since there have been so many requested. The Committee therefore

VOTED: To REFER this subdivision to the Planning Commission pending advice from the Legal Department regarding variances.

The Commission considered the REFERRAL of this subdivision. Mr. Whitney explained that the error in the width of the cul-de-sac radius was not detected until the final plat was submitted and the engineers are requesting a variance. He suggested that the additional width be obtained from Lots 19 and 20. The Director stated that the land slopes generally to the south and that Lot 17 was elevated somewhat above the normal grade before the street was cut down. The advantage of the present location of the cul-de-sac is that it provides a longer grade to get to the garage. The back portion of Lot 20 drops off sharply and if the cul-de-sac is widened into that lot it would reduce the buildable area. Mr. Osborne said he felt that shifting the cul-de-sac to the southeast could basically solve this situation. He suggested that the location of the right-of-way line is immaterial to the subdivider and the question is the placement of the curb. He felt that the decision of the Commission would determine more or less what the Director of Public Works will do concerning pavement width.

Mr. Tom Bradfield said they planned the subdivision very carefully and this cul-de-sac is in the best location. He said it cannot be shifted to the north because of a low spot, it cannot be shifted to the east or west because of the ledge, and there will be a drainage problem to the east where there will be a hole that will not drain. He quoted Section 23.31 of the Subdivision Ordinance

C8-62-30 Highland Hills Sec. 6, Phase 2-B & Sec. 7, Phase 1--contd.

which reads as follows: "When the commission finds that topographical or other unusual conditions or development of the most desirable residential plan require layout of a dead-end street, the street shall terminate in a cul-de-sac with a minimum right-of-way radius of fifty feet and shall be no more than four hundred feet long unless necessitated by topography." Mr. Osborne said it is the Department's interpretation that this deals with the length of the cul-de-sac only.

Mr. Thomas Watts said the cul-de-sac could be shifted to the south but there is a bluff there and a drainage problem on the south side of Hillbrook, and that they are trying to make it easier to get into Lot 17.

Mr. Barrow felt that shifting the cul-de-sac would aggravate the actual use and that this is the proper location. This was agreed to by other members. The width of the paving was discussed and the Director noted that the Commission could suggest to the Director of Public Works that a reduction in paving width be permitted. The Commission concluded that a variance should be granted since this is a short cul-de-sac and there would be very little traffic. It was then

VOTED: To APPROVE the plan of HIGHLAND HILLS SEC. 6, PHASE 2-B & SEC. 7, PHASE 1, subject to compliance with departmental requirements, and to grant a variance from the Subdivision Ordinance on cul-de-sac radius width for Hillbrook Circle.

C8-62-44 Northwest Hills, Sec. 7, Phase 1 (Revised)  
Mesa Dr. S. of Sierra

Mr. David B. Barrow (subdivider) presented a revised sketch showing a proposed shift in the alignment of that portion of Dry Creek Drive west of Mesa Drive northward about 150 feet to form a jog in the street since this portion will not serve as a continuation of Dry Creek Drive as a collector street. He felt, and the staff agreed, that this shift would avoid confusion in directing the through traffic into Mesa Drive rather than the dead-end portion of Dry Creek Drive. The Committee therefore

VOTED: To APPROVE the revised plan of NORTHWEST HILLS SEC. 7, PHASE 1, subject to conditions imposed with previous approval.

DISQUALIFIED: Mr. Barrow

C8-62-52 Springdale Hills  
19th St. and Tannehill Dr.

It was reported by the staff that the developer is giving his 5-foot portion for the widening of Tannehill Lane and a variance is recommended since the other 5 feet will be taken from the opposite side when that property is subdivided. It was further reported that additional drainage

C8-62-52 Springdale Hills--contd.

and utility easements are required, and that Lot 1, Block C, is required to have a minimum width of 60 feet instead of 55 feet as shown.

Mr. Thomas Watts said they had requested a variance on lot width for Lot 1 since there is a storm sewer crossing at about the center of the subdivision which has established the lot pattern for the area. He said they could meet the requirements by changing Lots 1 and 2 to face 19th Street but they would rather have the lots facing on Hilldale Street the same as other lots.

The staff explained that the lots need to have a width of 60 feet for septic tank installation and are in excess of the 9000 square feet required, and that, although Lot 1 is very near the 60-foot width requirement, the Department hesitates to recommend a variance for septic tank lots.

The Committee felt that a variance should be granted for Lot 1 since the width deficiency is caused by an angle in 19th Street. It was therefore

VOTED: To APPROVE the plan of SPRINGDALE HILLS subject to compliance with departmental requirements, including additional easements required, and to grant a variance from the Subdivision Ordinance on street width requirements for Tannehill Lane and on lot width requirements for Lot 1, Block C.

C8-62-56 Tempo North  
Morrow and Guadalupe Sts.

The following comments were presented by the staff and discussed:

1. This property is zoned for multi-family development and the Department feels that such use would be inconsistent with present zoning, and a zoning change is requested to comply with Section 23.14(2) of the Subdivision Ordinance; Mr. Isom Hale said that as far as he knew nothing but single-family residences will be built and that they will file the proper request for a zoning change, although the owner has not expressed an opinion on this.
2. The name of Marcell Street should be changed as there is another street of the same name.
3. Additional electric easements are required.
4. Lots 11 and 12, Block B, and Lots 6, 7, 15 and 22, Block C, do not meet the minimum width requirements, and the subdivider is asking for a variance on these lots. The staff is recommending a variance on Lot 11, Block B, and Lot 22, Block C, because of the angle in

C8-62-56 Tempo North--contd.

the street and because a suitable building area has been provided. No variance is recommended for Lot 12, Block B, because of the width at the rear, nor for Lots 6, 7 and 15, Block C. Mr. Hale said he felt he could work out the corner lots but they do not have sufficient area to increase the width of the interior lots.

The Committee felt that this should be referred to the Commission because of the variances requested. It was therefore

VOTED: To REFER this subdivision to the Planning Commission pending clarification of the variances from the Legal Department.

The Commission considered the REFERRAL of this subdivision. The staff reviewed the discussion of this plan before the Subdivision Committee and called attention to three corner lots which have a minimum width of less than 60 feet and other interior lots which have a minimum width of less than 50 feet. The Director recommended against the variances involving building area on Lots 11, 12 and 22 on Creston Lane and Delafield Lane. Some lots along Creston Lane are over 60 feet and it appears that the lines could be shifted. There is also a question of adequate building sites on these lots. Mr. Hale said the lots could be adjusted by losing a lot in order to make a triangle on another lot. He said they would correct Lot 12 and will examine the other lots. Mr. Jackson thought a variance could be granted on Lots 6, 7 and 15 but that the corner lots should be wider, particularly Lot 12, to provide more building space.

The staff also reported that the property along Lamar Boulevard should be included in the subdivision if this is not a legal lot, since this tract and the subdivision were originally Block C of another subdivision. Mr. Hale said this would be included as a lot.

The Commission felt that further study should be given the variances requested on the lot widths. It was therefore

VOTED: To APPROVE the plan of TEMPO NORTH subject to compliance with Ordinance requirements concerning lot widths.

C8-62-57 Northtown West Sec. 3, Phase 3  
Burnet Rd. N. of Anderson La.

The staff presented the following comments which were discussed:

1. Additional electrical easements are required.
2. Additional 5 feet of right-of-way is required for Anderson Lane as it is classified as a secondary thoroughfare.
3. Lot lines are not shown correctly and should be changed.

C8-62-57 Northtown West Sec. 3, Phase 3--contd.

4. The name of Northwood Drive should be changed.
5. The two new streets must conform to the alignment described in deeds of record. These streets were dedicated at the time the zoning on the Tex-Mart property (Gulf-Mart) was granted and an agreement was made at that time that the streets would be developed with this subdivision.
6. There were some drainage problems involved with the development of Gulf-Mart and this plat does not meet the requirements of the Subdivision Ordinance regarding the location, size and flow line of all existing drainage structures on the land being subdivided and on adjoining tracts. A memo from the Drainage Department states that the topographic data does not reflect the current conditions in the vicinity of the Tex-Mart 10-acre tract. Mr. Thomas Watts said they thought the drainage was satisfactory for Tex-Mart at the time of rezoning.

Mr. Whitney said this property is zoned for residential use but he had been informed that they intend to sell a portion to Texas Electric Co-Op. He also called attention to the fact that this subdivision adjoins Northtown West Section Three on the west on which a preliminary plan has been approved for a residential subdivision.

Since no one was present to represent the subdivider, the Committee felt that this subdivision should be referred to the Commission pending information from the owner or engineer on the proposed uses of this property. It was therefore

VOTED: To REFER this subdivision to the Planning Commission pending receipt of information from the subdivider or engineer on the proposed uses of this property.

The Commission considered the REFERRAL of this subdivision. The staff explained that this property is left in large tracts so that they may later be resubdivided to provide the size of lot desired for any particular use. It was reported that the proposed use of the land is shown as commercial on the subdivision plan while Cedarwood Drive is dedicated with a 50-foot right-of-way. Mr. Conway Taylor (representing the Texas Electric Co-Op) felt that any recommendation of the Commission would be acceptable and if this street is left 50 feet the tract behind Tex-Mart could be used for apartment development, and if the tract is to be used commercially they will provide the 60-foot right-of-way. He said a request was before the City Council on the entire tract in 1961 and all except the Tex-Mart property was held for designated usage. He explained that because the Co-Op tract was less than three acres they had to submit this plat in order to subdivide the north  $2\frac{1}{2}$  acres, and he has filed a request for a change to "C" Commercial which is pending consideration.

C8-62-57 Northtown West Sec. 3, Phase 3--contd.

The staff recommended approval of the subdivision pending the conditions set out in the Committee hearing which have not been met. The Commission then

VOTED: To APPROVE the plan of NORTHTOWN WEST SEC. 3, PHASE 3, subject to the following conditions:

1. Compliance with the Subdivision Ordinance by showing the location, size and flow line of all existing drainage structures on the land being subdivided and on adjoining tracts,
2. Providing a 60-foot right-of-way for Cedarwood Drive if the adjoining tract on the north is to be used commercially, and
3. Compliance with departmental requirements, including showing additional electrical easements as required.

C8-62-58 Wilbarger Place Sec. 2  
 Old Manor Rd. and E. 51st St.

The staff noted that if Calhoun Circle is approved as shown on the plan the City would have to participate in the cost of developing the street since this property abuts the Municipal Airport. A variance would be required on street length. The staff presented a suggested layout with lots fronting north and south rather than on Manor Road and with a cul-de-sac extending west from Manor Road. It was reported that the Drainage Department had advised the staff that it was the opinion of that Department that the drainage would have to be in pipe rather than open ditch.

Mr. Watt Schieffer (subdivider) said he had considered a plan similar to that of the staff in the beginning but since he owns the lots across the street which front on Manor Road, with the exception of one lot which has a nice home, he considered fronting these lots on Manor Road rather than having them side toward the front of the existing lots. He said he had considered restricting all of the lots so that no development could be made to adversely affect either subdivision. He stated that he would be glad to consider the alternate plan. The Committee then

VOTED: To REFER this subdivision to the Commission pending consideration by the subdivider of the alternate plan.

The Commission considered the REFERRAL of this subdivision. The staff reported that the subdivider has not contacted the Department regarding the alternate plan proposed at the Committee meeting. The Commission then

VOTED: To REFER this plan to the Subdivision Committee for consideration at the next meeting.



## SHORT FORM PLATS - FILED

C8s-62-8 Meiske & Moritz Sub.  
U. S. Hwy. 183

It was reported by the staff that this subdivision was previously rejected for filing because it was proposed to subdivide into two lots abutting a 30-foot road which had not been dedicated. It was further reported that this 30-foot road and another 50-foot road on the south-east have been dedicated but not accepted by the County and the staff felt that the 30-foot road should be 50 feet in width.

Mr. Edmund Moritz (subdivider) explained that he bought this tract of land and built a house and that there was one water tap on the property; that he then sold this house to Mr. Leonard H. Meiske and built another house but was unable to get a second water tap. He said this 30-foot road was dedicated by Q. C. Taylor as an access easement and there are only two families using it, and that he and Mr. Meiske would use the 50-foot road for access and not this 30-foot road. He explained that if the 30-foot road is widened a Cyclone fence along the south line will have to be removed. It was suggested by the Committee that if this is accepted the County might allow the fence to remain until the road is developed. Mr. Moritz said his concern now is getting water service to his home.

The Committee felt that something should be done to widen the 30-foot road and suggested that the subdividers try to work out some solution to this problem. The staff also requested a tie to U. S. Highway 183. The Committee then

VOTED: To REJECT for filing the plat of MEISKE & MORITZ SUB.

C8s-62-101 Martinshaw Sub., Resub. Lots 1 & 1-A  
Burleson Rd. and Shaw La.

The staff reported that a variance is necessary for Lot 14 since the width of the lot was reduced by the dedication of 5 feet to widen Shaw Lane. The Committee therefore

VOTED: To ACCEPT for filing the plat of MARTINSHAW SUB., RESUB. LOTS 1 & 1-A, and to agree to grant a variance on the width of Lot 14.

C8s-62-108 Fairview Park Addn., Resub. Lot 25 & W. 35.5' of Lot 26  
Newning Ave. and Academy Dr.

The staff stated that the jog in the line between Lots 25-A and 25-B is so shown because of an existing house on Lot 25-A and that the staff usually recommends a straight line.

C8s-62-108 Fairview Park Addn., Resub. Lot 25 & W. 35.5' Lot 26--contd.

Mr. W. Harvey Smith (surveyor) said this area is zoned for apartments and the owner proposed to make the rear of Lot 25-B larger to provide parking for future apartment development on that lot. He further stated that his client is willing to make the line straight. The Committee therefore

VOTED: To ACCEPT for filing the plat of FAIRVIEW PARK ADDN., RESUB. LOT 25 & W. 35.5' OF LOT 26, making the common lot line straight.

C8s-62-110 Kings Subdivision  
Pecan Springs Rd.

It was reported by the staff that a memo from the Drainage Department states that the plat does not comply with Section 23.16(3) of the Subdivision Ordinance and the topographic information will be needed in order to determine drainage requirements for Fort View Branch channel. The staff recommended that the plat be rejected for filing. The Committee therefore

VOTED: To REJECT for filing the plat of KINGS SUBDIVISION.

C8s-62-112 W. M. Gephart Sub.  
Braker La. and Middle Fiskville Rd.

The staff reported that reports have not been received from several departments and recommended that no action be taken on this subdivision at this meeting. The Committee therefore

VOTED: To ACCEPT for filing the plat of W. M. GEPHART SUB.

## SHORT FORM PLATS - CONSIDERED

C8s-62-92 Allandale North Sec. 1, Resub. Lots 19-22, Blk. D  
Belford Drive

It was reported by the staff that additional drainage easements are required and the Committee therefore

VOTED: To DISAPPROVE the plat of ALLANDALE NORTH SEC. 1, RESUB. LOTS 19-22, BLK. D, pending compliance with departmental requirements, including additional drainage easements.

C8s-62-100 Allandale Park Sec. 1, Resub. Lot 3, Blk. H  
Burnet Rd. and Greenlawn Parkway

This plat was reported by the staff as having satisfied all the standards of Section 4 of the Subdivision Ordinance and was recommended for approval. The Committee therefore

VOTED: To APPROVE the plat of ALLANDALE PARK SEC. 1, RESUB. LOT 3, BLK. H.

C8s-62-105 Texas Hospital Association Sub.  
Sheridan Ave. and U. S. Hwy. 290

The staff reported that the owner has now signed the plat. It was requested that a restriction be placed on the plat that no building shall be located on the gooseneck part of Lot B which was proposed by the subdivider as an access to Sheridan Avenue. The Committee therefore

VOTED: To DISAPPROVE the plat of TEXAS HOSPITAL ASSOCIATION SUB. pending a restriction being placed on the plat that no building shall be located on the gooseneck portion of Lot B, and to authorize administrative approval when that requirement has been met.

C8s-62-111 Hillside Addn., Resub. Lot 2  
Barton Springs Rd. and Dawson Rd.

It was reported by the staff that there is a house on Lot 3-A and the subdivider wished to provide more space on Lot 2-A for the proposed apartment development and parking in the rear, resulting in a jog in the lot line. Mr. Myles H. Schutte (owner) said that to move the line at the rear would cut down on parking area for the proposed apartments and Mr. Kirkgard (contractor) stated that when this old house is removed the line will be made straight.

The Committee felt that the plat could be approved with the jog in the lot line since the statement has been made that the line will be straightened when the old house is removed. It was therefore

VOTED: To APPROVE the plat of HILLSIDE ADDN., RESUB. LOT 2.

ADMINISTRATIVE APPROVAL

The staff reported that 3 plats had received administrative approval under the Commission's rules. The Committee therefore

VOTED: To ACCEPT the staff report and to record in the minutes of this meeting the administrative approval of the following subdivisions:

C8s-62-106 Stevenson Sub. Lots 14, 15, 16, Blk. 5, Tobin & Johnson Sub.  
Cherry La. and Dillman St.

C8s-62-107 Westfield "A", Resub. Lot 2-A of Resub. Lots 2 & 3, Blk. 9  
Enfield Road

C8s-62-109 Hoerman Addition  
Taulbee St. and Watson

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SUBDIVISION PLATS - FILED

C8-62-25 Richland Estates Sec. 1  
Dalton La. and Sherman La.

The staff called attention to the fact that the density has been considerably increased since the preliminary plan was approved. It was further reported that reports have not been received and no action is recommended at this meeting. The Commission therefore

VOTED: To ACCEPT for filing the plat of RICHLAND ESTATES SEC. 1.

C8-62-31 St. Johns Commercial Tract  
Denson Dr. and Airport Blvd.

The staff reported that reports have not been received from the departments and that no action on this final plat is recommended at this meeting. The Commission therefore

VOTED: To ACCEPT for filing the plat of ST. JOHNS COMMERCIAL TRACT.

C8-62-52 Springdale Hills  
19th St. and Tannehill La.

Mr. Whitney reported that the Committee approved the preliminary plan and granted a variance to permit Lot 1, Block C, to have a 55-foot width, but that this lot has since been reduced to 45 feet on the final plat and that the plat has further been changed so that some wedge-shaped lots have a width of less than 60 feet.

Mr. Thomas Watts reviewed his statements to the Subdivision Committee regarding the drainageway from the Lee and Lewis properties and the topographic feature. He said they are providing lots of 9000 square feet for septic tanks and that Lots 1, Block A, B and C have over 9000 square feet and they are requesting variances for these lots.

The Director stated that he felt Lot 1, Block C, and Lot 1, Block B, are definitely too small but that Lot 1, Block A, provides an adequate building site and comes very close to meeting the requirements. The Commission then

VOTED: To ACCEPT for filing the plat of SPRINGDALE HILLS subject to all lots complying with Ordinance requirements.

SUBDIVISION PLATS - CONSIDERED

C8-62-28 Crestland  
Rogge La. and Gloucester La.

It was recommended by the staff that this plat be disapproved pending a note being placed on the plat satisfactory with the Legal Department regarding

C8-62-28 Crestland--contd.

the reservation of Lot 13 as a public street. The Commission therefore

VOTED: To DISAPPROVE the plat of CRESTLAND pending a note on the plat satisfactory with the Legal Department regarding the reservation of Lot 13 as a future street.

C8-62-46 Gage Subdivision  
Hardy Street

The staff reported that fiscal arrangements have not been completed and calling attention to a poor intersection that is proposed. The Commission then

VOTED: To DISAPPROVE the plat of GAGE SUBDIVISION pending completion of fiscal arrangements.

C8-62-51 Sherwood Oaks Sec. 6  
St. Edwards Dr. and Sherwood

It was reported by the staff that fiscal arrangements have not been completed and that additional drainage easements are required, and that the engineer has requested authorization of the staff to poll the Commission when these have been completed. The Commission therefore

VOTED: To DISAPPROVE the plat of SHERWOOD OAKS SEC. 6 pending completion of fiscal arrangements and showing of additional drainage easements.

C8-62-53 Highland Hills Sec. 7, Phase 1  
Hillbrook Dr.

The staff reported that fiscal arrangements have not been completed. The Commission therefore

VOTED: To DISAPPROVE the plat of HIGHLAND HILLS SEC. 7, PHASE 1, pending completion of fiscal arrangements.

C8-62-54 Allandale North Sec. 3  
Kenbrook Drive

The staff reported that additional drainage easements are needed since a temporary easement given by Mr. Tom Attal will soon expire. This temporary easement was given to care for drainage from another area until this property was subdivided and will not be needed when the drainage easements in this subdivision are dedicated. It was further reported that the engineer has requested authorization of the staff to poll the Commission when these easements have been shown. The Commission therefore

VOTED: To DISAPPROVE the plat of ALLANDALE NORTH SEC. 3 pending showing of the necessary additional drainage easements, and to authorize the staff to poll the Commission when the easements are shown.

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C8-62-55 Allandale North Sec. 4  
Wooten Drive

It was reported by the staff that various engineering changes need to be made on the plat and that the engineer has requested authorization of the staff to poll the Commission when these changes have been made. The Commission therefore

VOTED: To DISAPPROVE the plat of ALLANDALE NORTH SEC. 4 pending various engineering changes on the plat, and to authorize the staff to poll the Commission when these changes have been made.

C8-62-56 Tempo North  
Morrow and Guadalupe Sts.

The staff reported that fiscal arrangements have not been completed, that Lots 11 and 12, Block B, and Lots 6, 7, 15 and 22, Block C, do not meet the minimum width requirements, and that the name of Marcell Street should be changed. The Commission, in accordance with action on the preliminary plan,

VOTED: To DISAPPROVE the plat of TEMPO NORTH pending completion of fiscal arrangements, working out a solution to the width of the lots not meeting the requirements, and to changing the name of Marcell Street, and to authorize the staff to poll the Commission when these conditions have been met.

SHORT FORM PLATS - FILED

C8s-62-8 Meiske and Moritz Sub.  
Near U. S. Hwy. 183

The staff reported that reports have not been received from several departments and that no action is recommended at this meeting. Attention was called to the need for a variance from street width requirements since the owner has given his 10-foot portion for the 30-foot street and the remaining 10 feet will be taken from the other side of the street. The Commission therefore

VOTED: To ACCEPT for filing the plat of MEISKE AND MORITZ SUB.

C8s-62-113 Pecan Valley, Resub. Lots 20, 21, 22, Blk. 5  
Spur Street

It was reported by the staff that reports have not been received from several departments and that no action is recommended at this meeting. The Commission therefore

VOTED: To ACCEPT for filing the plat of PECAN VALLEY, RESUB. LOTS 20, 21, 22, BLK. 5.

C8s-62-114 John O. Raney  
Weidemar Lane

The staff reported that this is a 3-lot residential subdivision in an area south of Ben White Boulevard which has been designated as industrial in the Development Plan.

Mr. Raney explained that this is a part of his homestead tract and he has approval of the FHA to build residences here. He noted that the Commission recently approved a residential subdivision near here and there are other residential lots around this property. He said he has already sold two of the homes pending approval of this subdivision.

The Commission felt that, since it would be necessary to amend the Development Plan to permit this subdivision, further study should be given and the premises and area inspected. It was therefore

VOTED: To REJECT for filing the plat of JOHN O. RANEY and to inspect the property on the ground.

#### SHORT FORM PLATS - CONSIDERED

The following plats were reported by the staff as having satisfied all the standards of the Subdivision Ordinance and were recommended for final approval. The Commission therefore

VOTED: To APPROVE the following plats:

C8s-62-85 C. R. Hamilton Farm

U. S. Highway 183

The staff reported that this is a large one-lot subdivision considerably outside the city limits and that the owner has included on the plat the necessary note regarding water supply.

C8s-62-101 Martinshaw Sub., Resub. Lots 1 & 1-A

Burleson Rd. and Shaw Lane

#### ADMINISTRATIVE APPROVAL

The staff reported that 2 plats had received administrative approval under the Commission's rules. The Commission therefore

VOTED: To ACCEPT the staff report and to record in the minutes of this meeting the administrative approval of the following subdivisions:

C8s-62-105 Texas Hospital Assn. Sub.

Sheridan Ave. and U. S. Hwy. 290

C8s-62-115 Twin Oaks Addition, Resub. Lots 14 & 15

Sunrise Circle

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OTHER BUSINESS

C2-62-1(c) DEVELOPMENT PLAN AMENDMENTS  
Lamar Industrial Park

The staff reported receipt of a letter from Mr. Nelson Puett requesting that the Commission recommend a small industrial district on a part of twenty acres of land which he owns on the Old Dallas Highway adjoining the Carrico Kennels. Mr. Puett explained in his letter that he now has a request in for a subdivision on this property known as "Lamar Industrial Park". He felt that there is a definite need to supply small industrial lots to small contractors at a modest price and he believes that this property, in that the character of the area is already industrial and because it adjoins a very large dog kennel, would be impossible to sell for residential uses.

The Director presented the following factors pertaining to this request: There is an existing industrial subdivision to the south where Mr. Puett's lumber yard is located which was approved before the adoption of the Development Plan and some lots were sold for other industrial uses. There is a large area some  $1\frac{1}{2}$  miles to the west which was designated for industrial use, leaving this area for residential and necessary commercial areas. Mr. Puett could not alter the Plan by creating 3-acre industrial sites (which would not require an approved subdivision) since access would have to be provided to the rear sites. There is a question of where the industrial subdivision should be and where it should be expanded if this is granted. The Development Plan should not be altered in a piecemeal fashion. This proposed subdivision is surrounded by residential development in scattered areas and there are some nice homes. There is a question of what should be done along the Highway. We recommend that no change in the Plan be made.

The Commission reviewed an aerial map of a large area north of the present city limits in relation to the uses proposed in the Development Plan. Mr. Wroe thought that this proposed industrial subdivision would be a sound proposition if it were larger and that there is too much suburban land in this area. A majority, however, felt that no change in the Plan should be made here. It was therefore

VOTED: To recommend that no amendment be made to the Development Plan to permit the industrial subdivision at this location.

NAY: Mr. Wroe

C10-62-1(f) ALLEY VACATION  
Wooldridge St. Alley N. of  $26\frac{1}{2}$  St., W. of San Jacinto Blvd.

The Commission reconsidered a request for vacation of this alley. The Director said he would continue to recommend against this because of the drainage-way and stated that the vacation of the alley would not correct the location of the house which is now on a part of the right-of-way. He did not think there has been a change in the area since the former recommendation and felt that this has some bearing on the redevelopment of Waller Creek.



C10-62-1(f) Wooldridge St. Alley Vacation--contd.

The Commission concurred in the reasons presented by Mr. Osborne and its former action. It was therefore

VOTED: To recommend that the request for vacation of that portion of Wooldridge Street Alley north of 26 $\frac{1}{2}$  Street and west of San Jacinto Boulevard be DENIED.

R810 SUBDIVISION PROCEDURES

During the consideration of various subdivisions the question of the granting of variances by the Commission was discussed and opinions were expressed by the Assistant Attorney regarding interpretation of the authority of the Commission to grant variances. It was felt by the Commission that this should have further study and the Director suggested that he would like to prepare some possibilities for discussion. The Commission then

AGREED: That the Director and the Chairman would prepare something for presentation to the Commission to be considered at a special meeting.

R140 ELECTION OF OFFICERS

In view of the resignation of the former assistant secretary, the Commission

VOTED: To elect Mr. Chriss to serve as assistant secretary.

## REPORTS

## SUBDIVISION APPROVAL BY TELEPHONE POLL

It was reported by the staff that the following subdivisions were considered by telephone poll and that a majority of the Commission had

VOTED: To APPROVE the following plats on the dates and by the vote shown:

C8-62-38 Allandale North Sec. 2  
Teakwood Dr. and Burnet Rd.

C8-62-41 Southwest Terrace Sec. 1  
Delcrest Dr. and Southland Dr.

Approved August 3, 1962

MEMBERS CONTACTED: Messrs. Jackson, Kinser, Lewis, Riley and Spillmann

C8-62-12 Barton Terrace Sec. 1  
Robt. E. Lee Rd. and Creek Dr.

C8-62-48 North Ridge Terrace Sec. 5  
Burbank St.

Approved August 6, 1962

MEMBERS CONTACTED: Messrs. Barrow, Brunson, Jackson, Kinser, Riley & Spillmann

C8-62-50 Allandale Terrace Sec. 2, Phase 5  
Great Northern Blvd. and Stoneway Dr.

Approved August 22, 1962


MEMBERS CONTACTED: Messrs. Brunson, Jackson, Kinser, Lewis and Wroe

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ADJOURNMENT

The meeting was adjourned at 11:15 p.m.



Hoyle M. Osborne  
Executive Secretary

APPROVED:



Chairman